

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LENORE ELLEN WALTERS,

Plaintiff,

v.

CHALLENGE MANUFACTURING
COMPANY,

Defendant.

Case No. 1:19-cv-377

HON. JANET T. NEFF

OPINION AND ORDER

Plaintiff, proceeding pro se, initiated this action against her employer, Defendant Challenge Manufacturing Company, alleging claims of hostile work environment and retaliation based on her age in violation of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621 *et seq.* Defendant filed a Motion for Summary Judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending that this Court grant Defendant's motion and dismiss Plaintiff's Complaint with prejudice. The matter is presently before the Court on Plaintiff's objection, as supplemented, to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objection has been made. For the following reasons, the Court denies the objection.

An objection to a magistrate judge's report and recommendation must "specifically identify the portions of the proposed findings, recommendations, or report to which objections are made

and the basis for such objections.” W.D. Mich. LCivR 72.3(b). Plaintiff presents no discernable valid objection to the Report and Recommendation.

Plaintiff first asserts in her one-page objection that “[d]ue to COVID-19 [and the] Governor’s ‘stay-at-home-order,’ [she had] [n]o means/ability to respond completely to [D]efendant’s Motion for Summary Judgment” (Pl. Obj., ECF No. 47 at PageID.576). However, contrary to Plaintiff’s assertion, the Magistrate Judge granted Plaintiff an extension for filing a response to Defendant’s motion (Order, ECF No. 42), after which Plaintiff filed a 16-page response to Defendant’s motion (Resp., ECF No. 43).

The remainder of Plaintiff’s “objection” to the Report and Recommendation consists of her claim that her “inability to retain legal counsel resulted in fundamental unfairness impinging on due process rights” (Pl. Obj., ECF No. 47 at PageID.576). However, Plaintiff does not identify any factual or legal error by the Magistrate Judge that would warrant rejecting the Report and Recommendation. Hence, to the extent Plaintiff’s objection also includes a “request for counsel/assistance” (*id.*; Supp., ECF No. 48 at PageID.577), such request is moot.

Accordingly, this Court denies the objection and adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court. Because this Opinion and Order resolves all pending claims in this case, a Judgment will also be entered. *See* FED. R. CIV. P. 58. Further, because this action was filed *in forma pauperis*, this Court certifies pursuant to 28 U.S.C. § 1915(a)(3), as recommended by the Magistrate Judge, that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Therefore:

IT IS HEREBY ORDERED that the Objection (ECF Nos. 47 & 48) is DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 46) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (ECF No. 40) is GRANTED.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: November 13, 2020

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge